THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :6449 of 2007

DATED:30-03-2007

BETWEEN:

Jannapureddy Chandra Reddy.

..... PETITIONER

AND

The Assistant Superintendent of Police,
Mulug Circle,
Warangal District & 2 others.

.....RESPONDENTS

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ORDER:

Heard the learned counsel for the petitioners as well as the learned Government Pleader for Home appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the respondents in interfering with the civil disputes and legal, and constitutional rights without adopting the process of law, as illegal and arbitrary.

3. It is the case of the petitioner that he advanced a sum of Rs.1,00,000/- to one Chukka Samuel and the said amount was also recovered by filing a suit and by executing the decree. Thereafter, the wife of the said Samuel, namely Lalitha, approached the police authorities i.e., the respondents 2 and 3 herein and at her instance the police are illegally interfering with the personal life and liberty of the petitioner and therefore, the petitioner got issued a legal notice, dated 20-02-2007, to the respondents 2 and 3 but *in spite* of the said notice the respondents 2 and 3 are interfering with the personal life and liberty of the petitioner. Hence, the present Writ Petition.

4. In view of the aforesaid facts and circumstances,
I am of the opinion that if any such illegal action is taken by the respondents 2 and 3, the petitioner ought to have made a

representation before the Superintendent of Police, Warangal for taking appropriate disciplinary action against the erring Officers, but without making any representation before the Superintendent of Police, who is the proper authority to take appropriate action, it may not be just and proper to seek a writ of mandamus.

5. Having regard to the facts and circumstances of the case, petitioner is given liberty to make a representation before the Superintendent of Police, Warangal for taking appropriate necessary action with regard to the alleged illegal action of the respondents 2 and 3 and it is also open for the petitioner to take appropriate legal action against the respondents 2 and 3 for their illegal civil as well as criminal action in accordance with law.

6. Accordingly, the Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH, J

30th March, 2007
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